

STATE OF MICHIGAN
STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

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TRANSFER OF RESOURCES

The agency provides for a period of ineligibility for nursing facility services and for a level of care in a medical facility equivalent to that of nursing facility services and for services under section 1915(c) due to disposal of resources for less than fair market value. The provisions of section 1917(c) of the Social Security Act are met.

An undue hardship exists when the client's physician (M.D. or D.O.) states that 1) necessary medical care is not being provided, and 2) the client needs treatment for an emergency condition.

A medical emergency is any condition for which a delay in treatment may result in the person's death or permanent impairment of the person's health.

A psychiatric emergency is any condition that must be immediately treated to prevent serious injury to the person or other.

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- b. ☒ The period of ineligibility is less than 24 months, as specified below:

Regardless of the uncompensated value, the maximum period of ineligibility is 12 months. The period of ineligibility is the period of time the equity value of the transferred resource (minus the amount by which the resource standard exceeds the client's countable resources) would have met the client's needs on assistance standards up to a maximum of 12 months. The client's needs are the appropriate income level (see SUPPLEMENT 1 of Attachment 2.6-A) plus the actual cost of incurred medical and remedial expenses.

- c. ☐ The agency has provisions for waiver of denial of eligibility in any instance where the State determines that a denial would work an undue hardship.

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2. Transfer of the home of an individual who is an inpatient in a medical institution.

/ A period of ineligibility applies to inpatients in an SNF, ICF or other medical institution as permitted under section 1917(c)(2)(B)(i).

- a. Subject to the exceptions on page 2 of this supplement, an individual is ineligible for 24 months after the date on which he disposed of the home. However, if the uncompensated value of the home is less than the average amount payable under this plan for 24 months of care in an SNF, the period of ineligibility is a shorter time, bearing a reasonable relationship (based on the average amount payable under this plan as medical assistance for care in an SNF) to the uncompensated value of the home as follows:

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- b. ☒ Subject to the exceptions on page 2 of this supplement, if the uncompensated value of the home is more than the average amount payable under this plan as medical assistance for 24 months of care in an SNF, the period of ineligibility is more than 24 months after the date on which he disposed of the home. The period of ineligibility bears a reasonable relationship (based upon the average amount payable under this plan as medical assistance for care in an SNF) to the uncompensated value of the home as follows:

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3. If the agency sets a period of ineligibility of less than 24 months and applies it to all transfers of resources (regardless of uncompensated value):

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4. Other procedures:

Regardless of the uncompensated value, the maximum period of ineligibility is 12 months. The period of ineligibility is the period of time the equity value of the transferred resource (minus the amount by which the resource standard exceeds the client's countable resources) would have met the client's needs on assistance standards up to a maximum of 12 months. The client's needs are the appropriate income level (see SUPPLEMENT 1 of Attachment 2.6-A) plus the actual cost of incurred medical and remedial expenses.

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No individual is ineligible by reason of item
A.2 if--

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- i. A satisfactory showing is made to the agency (in accordance with any regulations of the Secretary of Health and Human Services) that the individual can reasonably be expected to be discharged from the medical institution and to return to that home;
 - ii. Title to the home was transferred to the individual's spouse or child who is under age 21, or (for States eligible to participate in the State program under title XVI of the Social Security Act) is blind or permanently and totally disabled or (for States not eligible to participate in the State program under title XVI of the Social Security Act) is blind or disabled as defined in section 1614 of the Act;
 - iii. A satisfactory showing is made to the agency (in accordance with any regulations of the Secretary of Health and Human Services) that the individual intended to dispose of the home either at fair market value or for other valuable consideration; or
 - iv. The agency determines that denial of eligibility would work an undue hardship.

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3. 1902(f) States

☒ Under the provisions of section 1902(f) of the Social Security Act, the following transfer of resource criteria more restrictive than those established under section 1917(c) of the Act, apply:

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B. Other than those procedures specified elsewhere in the supplement, the procedures for implementing denial of eligibility by reason of disposal of resources for less than fair market value are as follows:

1. If the uncompensated value of the transfer is \$12,000 or less:
2. If the uncompensated value of the transfer is more than \$12,000:

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